

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

WILLIAM BELL, an individual,)	
)	
Plaintiff,)	8:06CV666
)	
v.)	
)	
B&W COMPANY, INC., a corporation,)	MEMORANDUM AND ORDER
)	
Defendant.)	
)	

This matter is before the court sua sponte. Fed. R. Civ. P. 4(m) establishes the following time limit for service of process on a defendant in a civil case:

(m) Time Limit for Service. If service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint, the court, upon motion or on its own initiative after notice to the plaintiff, shall dismiss the action without prejudice as to that defendant or direct that service be effected within a specified time; provided that if the plaintiff shows good cause for the failure, the court shall extend the time for service for an appropriate period. This subdivision does not apply to service in a foreign country pursuant to subdivision (f) or (j)(1).

The deadline for service of process expired and the plaintiff did not return the summons forms to the court. On March 2, 2007, this court issued an Order giving the plaintiff until March 23, 2007 to show cause why this matter should not be dismissed. (Filing No. 5). This deadline has now passed and the plaintiff did not respond to the court's Order. The plaintiff was warned that failure to obtain timely service on the defendant could result in dismissal of this matter, without prejudice.

THEREFORE, IT IS ORDERED:

1. That the plaintiff's complaint (Filing No. 1) is dismissed without prejudice;
and

2. The Clerk of Court is directed to send a copy of this Memorandum and Order to the plaintiff at his last known address.

DATED this 27th day of March, 2007.

BY THE COURT:

s/Joseph F. Bataillon
JOSEPH F. BATAILLON
United States District Judge